

# EXHIBIT C

HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,  
  
Plaintiff,  
  
v.  
  
MOTOROLA, INC., et al.,  
  
Defendants.

No. C10-1823-JLR

**MICROSOFT CORPORATION'S  
FIRST AMENDED ASSERTED  
CLAIMS AND PRELIMINARY  
INFRINGEMENT CONTENTIONS**

MOTOROLA MOBILITY, INC., et al.,  
  
Plaintiffs,  
  
v.  
  
MICROSOFT CORPORATION,  
  
Defendant.

MICROSOFT CORPORATION'S FIRST  
AMENDED ASSERTED CLAIMS AND  
PRELIMINARY INFRINGEMENT  
CONTENTIONS

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1 Microsoft Corporation (“Microsoft”) provides to Motorola Mobility, Inc. (“Motorola  
2 Mobility”), Motorola Inc., (n/k/a “Motorola Solutions”) and General Instrument Corporation  
3 (“General Instrument”) (collectively, “Motorola”) the following First Amended Asserted  
4 Claims and Preliminary Infringement Contentions in compliance with the Court’s Standing  
5 Order for Patent Cases, the Minute Order Setting Trial Dates and Related Dates dated August  
6 5, 2011, and Order Granting Microsoft’s (Unopposed) Motion for Leave to Amend Preliminary  
7 Infringement Contentions dated November 1, 2011. Microsoft reserves the right to amend this  
8 disclosure to conform to the results of ongoing discovery.

9 **(1) The identity of each claim alleged to be infringed**

10 U.S. Patent No. 6,339,780 (“the ‘780 Patent”): Claims 1-6, 9-14, 17, 18, 20, 21, and 32-  
11 42.

12 U.S. Patent No. 7,411,582 (“the ‘582 Patent”): Claims 1-4, 6, 8-11, 13-23, 25-31.

13 These claims will be hereinafter referred to as the “Microsoft Asserted Claims.”  
14 Microsoft’s investigation as to Motorola’s infringement is ongoing. Accordingly, Microsoft  
15 reserves the right to assert more or fewer claims based on further information that may become  
16 available during ongoing discovery.

17 **(2) The identity of Motorola’s accused devices by specific name and model  
18 number for each asserted claim**

19 Motorola Mobility is currently accused of infringing some or all of the Microsoft  
20 Asserted Claims by making, using, selling, offering to sell, and/or importing the following  
21 products, hereinafter referred to as the Accused Motorola Devices:  
22  
23  
24  
25

The '780 Patent	The '582 Patent
Atrix ME860, MB861	Atrix ME860, MB861
Bravo MB520	Bravo MB520
Charm MB502, ME502	
	Citrus WX445
	Cliq XT MB501
Cliq 2 MB611	Cliq 2 MB611
Defy MB525	Defy MB525
Devour A555	
Droid A855	Droid A855
Droid 2 A955	Droid 2 A955
Droid 2 Global A956	Droid 2 Global A956
Droid 3 XT862	Droid 3 XT862
Droid Bionic XT875	Droid Bionic XT875
Droid Pro XT610	Droid Pro XT610
Droid X MB810	Droid X MB810
Droid X2 MB870	Droid X2 MB870
Flipout MB511	Flipout MB511
Flipside MB508	Flipside MB508
	i1
Photon 4G MB855	Photon 4G MB855

The '780 Patent	The '582 Patent
Spice XT300	
Titanium	Titanium
Triumph WX435	Triumph WX435
XPRT MB612	
Xoom MZ600, MZ601, MZ603, MZ604, MZ605, MZ606 (except as to Claims 6, 33, and 39).	

Microsoft's investigation as to Motorola's infringement is ongoing. Accordingly, Microsoft reserves the right to amend the list of Accused Motorola Devices based on further information that may become available during ongoing discovery.

**(3) A chart that identifies specifically where each element of each asserted claim is found within each accused device/method/etc.**

Microsoft accuses Motorola Mobility of having infringed, induced the infringement of and/or contributorily infringed, and continuing to infringe, induce infringement of and/or contributorily infringe the Microsoft Asserted Claims pursuant to 35 U.S.C. § 271 (a), (b) and/or (c), literally or under the doctrine of equivalents, in the United States, by making, using, selling, offering to sell and/or importing the Accused Motorola Devices. Infringement charts for the '780 patent, containing evidence of direct and indirect infringement, are attached as Exhibit A to Microsoft's original Preliminary Infringement Contentions (served Sep. 2, 2011). Infringement charts for the '582 patent, containing evidence of direct and indirect

1 infringement, are attached as Exhibit B to Microsoft's original Preliminary Infringement  
2 Contentions (served Sep. 2, 2011).<sup>1</sup>

3 **(4) Whether each asserted claim is literally or equivalently infringed**

4 Microsoft reserves the right to assert infringement under the doctrine of equivalents for  
5 any limitation of the '780 or '582 patents that Motorola contends is not literally present in its  
6 Accused Devices. Microsoft further reserves the right to assert infringement under the doctrine  
7 of equivalents based on a claim construction ruling on any disputed claim terms and/or based  
8 on further information that may become available during ongoing discovery.

9 **(5) The priority date to which each asserted claim allegedly is entitled**

10 The '780 Patent: The priority date for each claim of the '780 patent asserted in Section  
11 (2) above is the earliest effective filing date on the face of the patent: May 6, 1997.

12 The '582 Patent: The priority date for each claim of the '582 patent asserted in Section  
13 (2) above is the priority date of U.S. Patent Application Ser. No 08/991,277, to which the  
14 patent claims priority ('582 patent, 1:6-8): December 16, 1997.

15 Microsoft's investigation as to conception of the inventions disclosed in both the '582  
16 and '780 patents is ongoing. Accordingly, Microsoft reserves the right to amend this priority  
17 date based on further information that may become available during ongoing discovery.

18 DATED this 1st day of November, 2011.

19 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

20 By /s/ Christopher Wion  
21 Arthur W. Harrigan, Jr., WSBA #1751  
22 Christopher Wion, WSBA #33207  
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24 <sup>1</sup> Exhibit A and Exhibit B are not amended. Instead, certain appendices to Exhibits A and B are amended to  
25 included the Droid Bionic. These include Appendices 1-1, 1-4, 1-5, 1-6, 1-9, 1-10, 2-1, 2-2, 6 and 10-3 to Exhibit  
A, and Appendices D1 and F to Exhibit B. Furthermore, Appendix C19 is newly added appendix to Exhibit B.

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24  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2011, I served a true and correct copy of Defendant and Cross-Plaintiff Microsoft Corporation's Asserted Claims and Preliminary Infringement Contentions via electronic mail on the counsel of record below.

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